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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617
5514	7590	09/22/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			QUIETT, CARRAMAH J	
		ART UNIT	PAPER NUMBER	
		2622		

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/579,739	SAKAEGI, YUJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carramah J. Quiet	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 1995 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 08092006.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment(s), filed on 06/27/2006, have been entered and made of record. Claims 22-27 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 06/27/2006 have been fully considered but they are not persuasive.

With respect to independent claim 22 and claim 24, which corresponds to claim 22, Applicant asserts that Yamagishi is not seen to disclose or suggest the control of a peripheral apparatus or a power control unit is associated with a switch being turned on by a computer and whether or not a predetermined request is received from the computer. However, Examiner respectfully disagrees with Applicant's assertions.

Yamagishi teaches that the computer (60'300) places the power control unit (circuit 42') in the power-on state (fig. 16B, S13; col. 22, lines 56-57). In other words, the "power-on state" is the switch being turned on by Yamagishi's computer (60'300). Then, the computer runs the image pickup program (fig. 16B, S14; col. 22, lines 56-60), which is further discussed in figs. 17A and 17B (col. 23, lines 7-13). Please note that the switch turned on by Yamagishi's computer is still in the "power-on state" during the image pickup program. After examining the amendments to claim 22, Examiner has determined that, based on the computer running Yamagishi's image pickup program (col. 22, lines 56-60), a predetermined request is now the computer instructing the control unit to execute voltage detection for a battery voltage that is high enough for the image pickup apparatus to operate. Please read col. 23, lines 61-67 and col.

24, lines 13-14. The control unit determines that the predetermined request is not received from the computer when it is detected that the voltage is not high enough to operate the image pickup apparatus (col. 23, lines 61-67 and col. 24, lines 4-6). The control unit of Yamagishi's embodiment in figures 15-18 executes predetermined termination processing (col. 24, lines 4-9). Although he teaches that the control unit (40') instructs the power control unit (42') to supply voltages to the components of the image pickup apparatus (col. 20, lines 30-35), he does not expressly teach that the control unit controls the power control unit so as to avoid supplying power from the battery to the control unit. However, Yamagishi's first embodiment the control unit executes termination processing required for the components of the image pickup apparatus and turns off the power circuit (col. 8, lines 6-9). Also, please compare the connections between refs. 40, 42, and 44 and refs. 40', 42', 44' in figs. 1A and 15A, respectively. This combination is obvious because it allows more than one option for turning off the power circuit thereby providing a user-friendly image processing system, information processing apparatus, and image pickup apparatus. Although the 102 rejections for claims 22, 24, 26 and 27 have been changed to 103 rejections, the Yamagishi reference is still sufficient for "reading on" the claims.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 22-26** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claim 22** recites the limitation,

"wherein if the switch is turned on by the computer and the control unit then determines that the predetermined request is received from the computer, the control unit controls the peripheral apparatus to operate as a peripheral apparatus for the computer, and

wherein if the switch is turned on by the computer and the control unit then determines that the predetermined request is not received from the computer, the control unit controls the power control unit so as to avoid supplying power from the battery to the control unit."

in the last two paragraphs starting on page 2 of claim 22 and ending on page 3 of claim 22.

There is insufficient antecedent basis for this limitation in the claim. Please note that these limitations have not been clearly written and can be read as "...the switch is turned on *by the computer and the control unit...*" Please verify and correct the grammatical errors and/or the arrangement of wording in this part of claim 22. For the prior art rejection, claim 22 will be read as "...the switch is turned on *by the computer...*"

6. **Claim 24** recites the limitation,

"wherein if the switch is turned on by the computer and the control unit then determines that the predetermined request is received from the computer, the control unit controls the peripheral apparatus to operate as a peripheral apparatus for the computer, and

wherein if the switch is turned on by the computer and the control unit then determines that the predetermined request is not received from the computer, the control unit controls the power control unit so as to avoid supplying power from the battery to the control unit."

in the first two paragraphs on page 4 of claim 24. There is insufficient antecedent basis for this limitation in the claim. Please note that these limitations have not been clearly written and can be read as "...the switch is turned on *by the computer and the control unit...*" Please verify and correct the grammatical errors and/or the arrangement of wording in this part of claim 24. For the prior art rejection, claim 24 will be read as "...the switch is turned on *by the computer...*"

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. **Claims 22, 24, 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (U.S. Pat. #6,630,949).

For claim 22, Yamagishi discloses, in figs. 15A/15B and in col. 20, lines 17-18, a peripheral apparatus (200), which is connectable (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22) to a computer (60'/300; col. 3, lines 9-29), the peripheral apparatus comprising:

a switch (operation means imaging switch/ control means (60) power-on state), which is turned on by a user or the computer\* (col. 22, lines 56-57; col. 23, lines 61-66);

a control unit (40'), which controls the peripheral apparatus (col. 3, lines 53-55); and

a power control unit (42'), which starts supplying power from a battery (44') connected to the peripheral apparatus to the control unit if the switch is turned on by the user or the computer (col. 20, lines 23-35; col. 23, line 61 – col. 24, line 25)\*,

wherein the control unit (40') determines whether or not a predetermined request (executing voltage detection for a battery voltage that is high enough for the image pickup apparatus to operate) is received from the computer if it is determined that the switch is turned on by the computer. Please read col. 23, lines 61-67 and col. 24, lines 13-14;

wherein if the switch is turned on by the computer (fig. 16B, S13; col. 22, lines 56-57) and the control unit then determines that the predetermined request is received from the computer (col. 23, lines 61-67 and col. 24, lines 13-14), the control unit controls the peripheral

apparatus to operate as a peripheral apparatus for the computer (col. 23, lines 61-67 and col. 24, lines 13-24), and

wherein if the switch is turned on by the computer (fig. 16B, S13; col. 22, lines 56-57) and the control unit then determines that the predetermined request is not received from the computer (col. 23, lines 61-67 and col. 24, lines 4-6).

Yamagishi also teaches that the control unit executes predetermined termination processing necessary for the image pickup apparatus. However, he does not expressly teach that the control unit controls the power control unit so as to avoid supplying power from the battery to the control unit.

In the same field of endeavor, Yamagishi teaches, in the first embodiment, that the control unit controls the power control unit so as to avoid supplying power from the battery to the control unit (col. 8, lines 6-9). Also, please compare the connections between refs. 40, 42, and 44 and refs. 40', 42', 44' in figs. 1A and 15A, respectively. In light of the teaching of Yamagishi's first embodiment, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yamagishi's control unit with a function for controlling the power control unit so as to avoid supplying power from the battery to the control unit. This modification allows more than one option for turning off the power circuit thereby providing a user-friendly image processing system, information processing apparatus, and image pickup apparatus.

For claim 26, Yamagishi, as modified by Yamagishi's first embodiment, teaches that a peripheral apparatus, wherein the peripheral apparatus is capable of operating as an electronic

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camera because in col. 20, lines 23-35 his camera receives its power from direct current (a battery).

Regarding **claims 24 and 27**, these claims are method claims corresponding to the apparatus claims 22 and 26, respectively. Therefore, method claims 24 and 27 are analyzed and rejected as previously discussed with respect to claims 22 and 26, respectively.

9. **Claims 23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (U.S. Pat. #6,630,949) in view of Aizawa et al. (U.S. Patent #5,790,274).

For **claim 23**, Yamagishi, as modified by Yamagishi's first embodiment, discloses a peripheral apparatus, wherein if it is determined that the switch is turned on by the user, the control unit (fig. 15A, ref. 40') controls the peripheral apparatus to operate (col. 23, lines 61-66). Yamagishi teaches that the image pickup device can be detached from the image processing apparatus (computer). However, Yamagishi does not expressly teach that controls the peripheral apparatus to operate standalone.

In a similar field of endeavor, Aizawa discloses a peripheral apparatus (fig. 1 and fig. 12A, ref. 46; col. 27, lines 44-67) wherein, the control unit (fig. 1, refs. 2-13) controls the peripheral apparatus to operate standalone (col. 7, lines 25-31). In light of the teachings of Aizawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yamagishi's peripheral apparatus with a control unit that controls the peripheral apparatus to operate standalone to allow the user an option to operate the camera when the user is in an environment, which does not require a computer.

Regarding **claim 25**, this claim is a method claim corresponding to the apparatus claim 23. Therefore, method claim 25 is analyzed and rejected as previously discussed with respect to claim 23.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 9, 2006  
CJQ



NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER